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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/781,628

02/20/2004

Takashi Murai

Q79816

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7590

09/28/2006

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EXAMINER

APPIAH, CHARLES NANA

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,628

Applicant(s)

MURAI ET AL.

Examiner

Charles N. Appiah

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/20/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4 and 7-11 is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 2 and 3 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ayres et al. (US 2003/0078986) in view of Trossen et al. (2004/0111476).

Regarding claims 2-3 Ayres discloses of a method for distributing multimedia (MM) information, which reads on claimed "video," to a mobile phone from a video server based on push technology, in which video information is distributed based on push technology from a Multimedia Distribution Kiosk (MDK, 12, 14, 16), the multimedia server configured to store therein the said MM information to be distributed under control of a user management server (MDK server (40), which includes a subscriber registration module (142) (see paragraphs [0039 and 0040], which controls user registration and video information distribution, comprising: registering a user request for said MM information about an area to the MDK server (142) in advance. See paragraphs [0009, 0010 and 0045]. Ayres fails to explicitly teach detecting traffic of a radio channel connected to the mobile phone and when the detected is lower than a threshold, distributing video information from the video contents server to the mobile phone based on the push technology.

In an analogous field of endeavor, Trossen discloses a system and method for the delivery of multimedia content wherein the message recipient can define rules that facilitate fast, efficient and inexpensive delivery of media content (see page 2, [0014], page 10, [0068]). According to Trossen, the message recipient can define a recipient rule that only permits delivery of specific portions of multimedia messages, such as text portions of multimedia messages that also contain, for example, graphic, audio and/or video content (see page 4, [0033]), and wherein a network rule for message delivery can be defined based on an amount of traffic on the network over which the media content is to be delivered, such as sending the media content when the network traffic is below a threshold (see page 7, [0046]-[0047]).

It would therefore have been obvious to one of ordinary skill in the art to combine Trossen's message delivery system with Ayres multimedia distribution system in order to allow rules to be defined so as to facilitate fast, efficient and inexpensive delivery of media content to subscribers as taught by Trossen.

***Allowable Subject Matter***

4. Claims 1, 4, 7-11 are allowed.
5. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al. (US 2003/0196209) discloses a system for delivering video products to a mobile subscriber unit.

Shteyn (6,611,654) discloses a time and location-driven personalized TV.

Walsh et al. (6,965,70) discloses a system for dynamic content delivery.

Myka et al. (US 2005/0289216) discloses a system for providing personalized services for mobile users.

Yi (7,003,040) discloses a system for displaying media information on a mobile terminal.

Pyhalammi et al. (6,996,393) discloses a mobile content delivery system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Appiah whose telephone number is 571 272-7904. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CA

  
CHARLES APPIAH  
PRIMARY EXAMINER